



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No: 3301-16
MAY 22 2017

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD

ICO [REDACTED] USMC

Ref: (a) 10 U.S.C. 1552
(b) MCO P1070.12K

Encl: (1) DD Form 149 with attachments
(2) Subject's naval record (excerpts)
(3) NAVMC 118(11) dtd 3 Mar 09
(4) HQMC memo 1070 MIQ dtd 14 Dec 16

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting to remove an Administrative Remarks (6105) counseling dated 3 March 2009 from his Official Military Personnel File (OMPF). Enclosures (1) through (4) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 17 March 2017, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was not filed in a timely manner.

c. Petitioner received an Administrative Remarks entry per enclosure (3). The Administrative Remarks (6105) entry was provided to the Petitioner for lack of judgment and integrity for failing to check into a Sergeants Course during the prescribed timeframe. Furthermore, the Petitioner falsely informed the school staff that he was informed by his command to check into the course the following day. He states, in part, that the Administrative Remarks (6105) entry was signed "By Direction" by a First Sergeant he did not know.

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d. Enclosure (4), a favorable advisory opinion in response to the Petitioner's claim states, in part, that the Administrative Remarks (6105) entry dated 3 March 2009 should be removed from the Petitioner's OMPF. The entry was not signed by the commanding officer (CO) as required by Marine Corps directives. The entry was signed "By Direction" by someone other than the CO (the First Sergeant) making the entry erroneous. It is recommended that the Administrative Remarks (6105) entry be removed from the Petitioner's OMPF.

CONCLUSION:

Upon review and consideration of all the evidence of record and especially in light of enclosure (4), the Board conclude that Petitioner's request warrants relief by removing the Administrative Remarks (6105) entry dated 3 March 2009.

In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

Petitioner's naval record be corrected by removing the Administrative Remarks (6105) entry dated 3 March 2009 from Petitioner's OMPF.

That any duplications of an Administrative Remarks relating to the topic in dispute be removed from the Petitioner's OMPF.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

[REDACTED]
Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

[REDACTED]
Executive Director